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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,052	11/21/2003	Cyril Hour	2054.006us2	3244
21186 7590 01/10/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER HALIM, SAHERA	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,052

Applicant(s)

HOURI, CYRIL

Examiner

Sahera Halim

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restriction

1. Claims 1-31 are presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
 - I. Claims 1-22 are drawn to a location tracking system for building a geographic location database of network nodes in a computer network comprising: a trace engine module sending trace Id commands and obtaining IP address and geographical location of each user and a set of physical connection between the IP addresses, classified in class 709 subclasses 223.
 - II. Claims 23 - 31 are drawn to tracking system for building a geographic location database of network nodes in a computer network comprising: a trace engine module sending trace IP commands and obtaining IP address and geographical location of each user, trace engine module uses statistical analysis to determine the geographic location of at least one server nod associated with the plurality of users, the analysis being based on a number of user and their location and a database management module to determine a percentage of user terminals connected to a first IP address from a particular geographic location, the trace engine being assign to the particular location to the first IP address

when the percentage is above a predefined threshold, classified in class 709 subclasses 229.

Combination-Subcombination

3. Inventions (I) and (II) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination as claimed (Invention (I) (a location tracking system for building a geographic location database of network nodes in a computer network comprising: a trace engine module sending trace Id commands and obtaining IP address and geographical location of each user and a set of physical connection between the IP addresses) does not require the particulars of the subcombination (Invention (II)) as claimed because the Invention (I) do not rely upon the specific details (the trace engine module employing a statistical analysis to determine location of a server corresponding to the users, statistical analysis being based on number of users and their location and the database management module to determine percentage of users and the trace engine module assigning location to the first IP address when the percentage is above a predefined threshold) of the subcombination for their patentability.

The subcombination has separate utility such as load balancing based on the percentage of the threshold.

Conclusion To All Restriction Requirements

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
 6. Because these inventions are distinct for the reasons given above and the search required for group (I) is not required for group (II), restriction for examination purposes as indicated is proper.
 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(1).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

8. Applicant is required under 35 U.S.C. 121 to elect a single group disclosed as described above for prosecution on the merits because each of the groups requires different search in different class and subclasses.

9. A telephone call was made to Applicants' Representative, Lucinda G. Price (Reg. No. 42, 270) to request an oral election to the above restriction requirement, but did not result in an election being made.

Contact Information

A shortened statutory period for response to this action is set to expire 1 (one) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02 (b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/721,052
Art Unit: 2157

Page 6

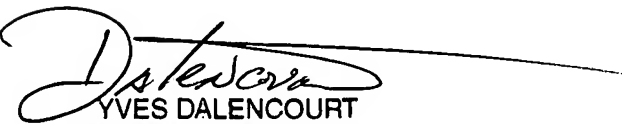
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sahera Halim

Patent Examiner

Art Unit 2157

January 7, 2008


YVES DALENCOURT
PRIMARY EXAMINER
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